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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE OPENAI CHATGPT LITIGATION

Case No. 3:23-cv-03223-AMO

**IN RE MOTION TO COMPEL COMPLIANCE
WITH NON-PARTY SUBPOENAS**

**NON-PARTY DARIO AMODEI'S
NOTICE OF ADMINISTRATIVE
MOTION AND ADMINISTRATIVE
MOTION REQUESTING LEAVE TO
FILE [PROPOSED] SUR-REPLY IN
FURTHER OPPOSITION TO
MOTION TO COMPEL**

In the Matter of

AUTHORS GUILD, *et al.*, individually and on behalf of others similarly situated.

Misc. Case No. 3:25-mc-80017-AMO

Plaintiffs,
v.
OPENAI INC., et al.,
Defendants.

Misc. Case No. 3:25-mc-80017-AMO
Underlying Litigation: *Authors Guild, et al. v. OpenAI, et al.*, 1:23-cv-0822-SHS (S.D.N.Y)

1 Pursuant to Local Rule 7-3(d) and in response to Plaintiffs' reply briefs in support of
 2 Plaintiffs' Motions to Compel the Deposition of Dario Amodei,¹ non-party Dario Amodei
 3 respectfully submits the following Administrative Motion Requesting Leave to File a [Proposed]
 4 Sur-Reply in Further Opposition to Plaintiffs' Motion to Compel (the “[Proposed] Sur-Reply”).

5 The [Proposed] Sur-Reply is attached hereto as **Exhibit A**. The proposed sur-reply is
 6 supported by the Declaration of Assad H. Rajani, attached hereto as **Exhibit B**, and a copy of a
 7 rough deposition transcript of Benjamin J. Mann, attached to said Declaration as **Exhibit 1**.

8 On February 14, 2025, Mr. Amodei filed his Opposition to Plaintiffs' Motions to Compel
 9 the Deposition of Dario Amodei. (*In re OpenAI*, ECF No. 330; *Authors Guild*, ECF No. 13). On
 10 February 24, 2025, Plaintiffs filed their Replies in Support of the Motion to Compel. (*In re OpenAI*,
 11 ECF No. 350; *Authors Guild*, ECF No. 17). Since then, there has been one material factual
 12 development relevant to the motion to compel deposition testimony. On March 3, 2025, Benjamin
 13 J. Mann, another non-party witness, was deposed in the *In re OpenAI* and *Authors Guild* cases. As
 14 explained in the sur-reply, Mr. Mann's testimony covers in detail the subject matter for which
 15 Plaintiffs were seeking testimony from Mr. Amodei. Further, the substance of Mr. Mann's testimony
 16 establishes that a deposition of Mr. Amodei would be unnecessarily cumulative and of limited value.

17 Accordingly, Mr. Amodei respectfully requests this Court grant leave to file a brief Sur-
 18 Reply in further support of Non-Party Dario Amodei's Opposition to Plaintiffs' Motion to Compel.

19 Dated: March 3, 2025

By: /s/ Assad H. Rajani
 20 ASSAD H. RAJANI

21 **ARNOLD & PORTER KAYE SCHOLER LLP**

22 *Attorneys for Non-Party Dario Amodei*

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 27 ¹ The Plaintiffs refer to two related actions, *In re OpenAI ChatGPT Litigation*, Case No. 3:23-cv-
 03223-AMO (“*In re OpenAI*”) and *Authors Guild, et al. v. OpenAI Inc., et al.*, Misc. Case No. 3:25-
 28 mc-80017-AMO (“*Authors Guild*”).